

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TBB GLOBAL LOGISTICS, INC.,	:	CIVIL ACTION NO. 1:09-CV-1682
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
GLOBAL EXPRESS SHIPPING, INC. and GREGG SHANBERG,	:	
	:	
Defendants	:	

GLOBAL EXPRESS SHIPPING, INC. and GREGG SHANBERG,	:	
	:	
Third-Party Plaintiffs	:	
	:	
v.	:	
	:	
FED EX CORPORATION and FED EX SERVICES,	:	
	:	
Third-Party Defendants :	:	

ORDER

AND NOW, this 16th day of August, 2010, upon consideration of the motion to dismiss (Doc. 31) filed by third-party defendants Fed Ex Corporation (“FEC”) and Fed Ex Services (“FES”), wherein FEC and FES seek dismissal of the third-party complaint filed by defendants/third-party plaintiffs Global Express Shipping, Incorporated (“Global”), and it appearing that Global was twice specifically

instructed to secure substitute counsel,¹ and it further appearing that Global has taken no action in response,² and that Global is subject to default for its failure to participate in the above-captioned litigation, (see Doc. 33), and the court noting that FEC and FES may move to dismiss any claim against them as a result of Global's failure to prosecute and/or its failure to comply with court orders, see FED. R. CIV. P. 41(b), see also Briscoe v. Klaus, 538 F.3d 252, 258 (3d Cir. 2008), and the court finding that Global's dilatoriness is sufficiently substantial to outweigh any of the other factors enumerated in Poulis v. State Farm Fire & Casualty Co., 747 F.2d 863, 868 (3d Cir. 1984), and the court concluding that dismissal of the third-party complaint is therefore appropriate, it is hereby ORDERED that:

1. The motion to dismiss (Doc. 31) is GRANTED.
2. All claims filed by third-party plaintiff Global against third-party defendants FEC and FES are DISMISSED with prejudice.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

¹ In an order dated May 10, 2010 (Doc. 29), the court granted the unopposed motion to withdraw filed by counsel for defendants/third-party plaintiffs Global and Gregg Shanberg (collectively, "defendants"), and it directed defendants to secure substitute counsel who shall enter an appearance on or before May 24, 2010. On June 2, 2010, the court issued a show cause order (Doc. 32), wherein it reiterated its order that defendants secure substitute counsel, and it directed defendants to file a response showing cause why the court should not enter default or default judgment against defendants.

² Global has not opposed the motion to dismiss (Doc. 31), nor has it secured substitute counsel to enter an appearance in the above-captioned case, nor has it filed a response showing cause why it should not be subject to default.